

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO

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CLERK-LAS CRUCES

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAWAN KUMAR JAIN,

Defendant.

CRIMINAL NO. 14-1261RB

Counts 1 and 3: 21 U.S.C. §§ 841(a)(1),
(b)(1)(C): Unlawful Dispensing of a
Controlled Substance Resulting in
Death;

Counts 2 and 4: 18 U.S.C. § 1347(a):
Health Care Fraud Resulting in Death;

Counts 5-61: 21 U.S.C. §§ 841(a)(1)
and (b)(1)(C): Unlawful Dispensing of a
Controlled Substance;

Counts 62-111: 18 U.S.C. § 1347(a):
Health Care Fraud.

INDICTMENT

The Grand Jury charges:

Count 1

On or about November 25, 2009, in Doña Ana County, in the District of New Mexico, the defendant, **PAWAN KUMAR JAIN**, knowingly and intentionally dispensed a controlled substance, specifically, methadone, a Schedule II controlled substance, to M.E.B. outside the usual course of medical practice and without legitimate medical purpose, resulting in the death of M.E.B.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Count 2

On or about November 25, 2009, in Doña Ana County, in the District of New Mexico, the defendant, **PAWAN KUMAR JAIN**, knowingly and willfully executed, and attempted to

execute, a scheme and artifice to defraud a health care benefit program, specifically, the defendant caused to be submitted to Medicare a fraudulent claim for a prescription for methadone that the defendant dispensed to M.E.B. outside the usual course of medical practice and without legitimate medical purpose, resulting in the death of M.E.B.

In violation of 18 U.S.C. § 1347(a).

Count 3

On or about July 27, 2010, in Doña Ana County, in the District of New Mexico, the defendant, **PAWAN KUMAR JAIN**, knowingly and intentionally dispensed a controlled substance, specifically, oxycodone, a Schedule II controlled substance, to N.D. outside the usual course of medical practice and without legitimate medical purpose, resulting in the death of N.D.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Count 4

On or about July 27, 2010, in Doña Ana County, in the District of New Mexico, the defendant, **PAWAN KUMAR JAIN**, knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud a health care benefit program, specifically, the defendant caused to be submitted to Medicaid a fraudulent claim for a prescription for oxycodone that the defendant dispensed to N.D. outside the usual course of medical practice and without legitimate medical purpose, resulting in the death of N.D.

In violation of 18 U.S.C. § 1347(a).

Counts 5-9

On or about the following dates, in Doña Ana County, in the District of New Mexico, the defendant, **PAWAN KUMAR JAIN**, knowingly and intentionally dispensed the following Schedule II controlled substances to M.E.B. outside the usual course of medical practice and without legitimate medical purpose:

COUNT	DATE	CONTROLLED SUBSTANCE
5	4/22/09	180 tablets of oxycodone 40 mg ER (extended release)
6	5/21/09	180 tablets of oxycodone 40 mg ER
7	6/19/09	180 tablets of oxycodone 40 mg ER
8	7/13/09	180 tablets of methadone 10 mg
9	9/29/09	225 tablets of methadone 10 mg

All in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Counts 10-17

On or about the following dates, in Doña Ana County, in the District of New Mexico, the defendant, **PAWAN KUMAR JAIN**, knowingly and intentionally dispensed the following Schedule II controlled substances to R.B. outside the usual course of medical practice and without legitimate medical purpose:

COUNT	DATE	CONTROLLED SUBSTANCE
10	10/30/09	120 tablets of morphine sulphate 30 mg
11	11/16/09	120 tablets of morphine sulphate 30 mg
12	11/16/09	60 tablets of morphine sulphate 60 mg
13	1/11/10	180 tablets of morphine sulphate 30 mg
14	2/15/10	60 tablets of morphine sulphate 60 mg
15	3/22/10	60 tablets of morphine sulphate 60 mg
16	4/8/10	120 tablets of morphine sulphate 60 mg
17	6/7/10	270 tablets of morphine sulphate 60 mg

All in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Counts 18-23

On or about the following dates, in Doña Ana County, in the District of New Mexico, the defendant, **PAWAN KUMAR JAIN**, knowingly and intentionally dispensed the following Schedule II controlled substances to T.B. outside the usual course of medical practice and without legitimate medical purpose:

COUNT	DATE	CONTROLLED SUBSTANCE
18	12/14/09	360 tablets of oxycodone/APAP (acetaminophen) 10/325 mg
19	1/7/10	180 tablets of oxycodone/APAP 10/325 mg
20	3/4/10	180 tablets of oxycodone/APAP 10/325 mg
21	4/6/10	180 tablets of oxycodone/APAP 10/325 mg
22	5/27/10	180 tablets of oxycodone/APAP 10/325 mg
23	6/14/10	180 tablets of oxycodone 30 mg

All in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Counts 24-35

On or about the following dates, in Doña Ana County, in the District of New Mexico, the defendant, **PAWAN KUMAR JAIN**, knowingly and intentionally dispensed the following Schedule II controlled substances to M.J.B. outside the usual course of medical practice and without legitimate medical purpose:

COUNT	DATE	CONTROLLED SUBSTANCE
24	5/26/09	540 tablets of methadone 10 mg
25	7/14/09	180 tablets of methadone 10 mg
26	7/14/09	90 tablets of oxycodone/APAP 10/325 mg
27	9/15/09	180 tablets of methadone 10 mg
28	10/13/09	270 tablets of methadone 10 mg
29	10/13/09	120 tablets of oxycodone/APAP 10/325 mg
30	10/13/09	90 tablets of oxycodone/APAP 10/325 mg
31	11/11/09	540 tablets of methadone 10 mg
32	11/11/09	180 tablets of oxycodone/APAP 10/325 mg
33	1/5/10	819 tablets of methadone 10 mg
34	1/5/10	90 tablets of oxycodone/APAP 10/325 mg
35	3/24/10	810 tablets of methadone 10 mg

All in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Counts 36 - 49

On or about the following dates, in Doña Ana County, in the District of New Mexico, the defendant, **PAWAN KUMAR JAIN**, knowingly and intentionally dispensed the following

Schedule II controlled substances to S.C. outside the usual course of medical practice and without legitimate medical purpose:

COUNT	DATE	CONTROLLED SUBSTANCE
36	6/2/09	60 tablets of oxycodone 80 mg
37	6/2/09	180 tablets of oxycodone/APAP 7.5/325 mg
38	6/19/09	120 tablets of oxycodone 80 mg
39	6/19/09	360 tablets of oxycodone/APAP 7.5/ 325 mg
40	8/11/09	180 tablets of oxycodone 80 mg
41	8/11/09	540 tablets of oxycodone/APAP 10/325 mg
42	11/9/09	60 tablets of oxycodone 80 mg
43	11/9/09	180 tablets of oxycodone/APAP 10/325 mg
44	12/28/09	180 tablets of oxycodone 80 mg
45	12/28/09	270 tablets of oxycodone 30 mg
46	3/25/10	180 tablets of oxycodone 80 mg
47	3/25/10	270 tablets of oxycodone 30 mg
48	6/24/10	180 tablets of oxycodone 80 mg
49	6/24/10	270 tablets of oxycodone 30 mg

All in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Counts 50-61

On or about the following dates, in Doña Ana County, in the District of New Mexico, the defendant, **PAWAN KUMAR JAIN**, knowingly and intentionally dispensed the following Schedule II controlled substances to A.U. outside the usual course of medical practice and without legitimate medical purpose:

COUNT	DATE	CONTROLLED SUBSTANCE
50	6/24/09	180 tablets of oxycodone/APAP 10/ 325 mg
51	6/24/09	30 tablets of amphetamine/dextroamphetamine 30 mg
52	6/30/09	180 tablets of oxycodone 30 mg
53	7/6/09	180 tablets of hydromorphone 4 mg
54	7/14/09	180 tablets of oxycodone 30 mg
55	9/10/09	540 tablets of oxycodone 30 mg
56	9/10/09	90 tablets of amphetamine/dextroamphetamine 30 mg
57	12/8/09	720 tablets of oxycodone 30 mg
58	3/5/10	540 tablets of oxycodone 30 mg
59	3/5/10	540 tablets of oxycodone 15 mg
60	6/3/10	360 tablets of oxycodone 30 mg

COUNT	DATE	CONTROLLED SUBSTANCE
61	6/3/10	360 tablets of oxycodone 15 mg

All in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Counts 62-111

From on or about July 9, 2007, and continuing to on or about July 27, 2010, in Doña Ana County, in the District of New Mexico, the defendant, **PAWAN KUMAR JAIN**, knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud health care benefit programs in connection with the delivery of and payment for health care benefits, items and services, specifically, the defendant caused to be submitted for payment by Medicare and Medicaid claims for prescriptions that the defendant dispensed to patients outside the usual course of medical practice and without legitimate medical purpose. The defendant dispensed the following prescriptions to execute the scheme:

COUNT	PATIENT	DATE	CONTROLLED SUBSTANCE	HEALTH CARE PROGRAM
62	M.E.B.	4/22/09	180 tablets of oxycodone 40 mg ER	Medicare
63	M.E.B.	5/21/09	180 tablets of oxycodone 40 mg ER	Medicare
64	M.E.B.	6/19/09	180 tablets of oxycodone 40 mg ER	Medicare
65	M.E.B.	7/13/09	90 tablets of methadone 10 mg	Medicare
66	M.E.B.	9/29/09	225 tablets of methadone 10 mg	Medicare
67	R.B.	10/30/09	120 tablets of morphine sulphate 30 mg	Medicaid
68	R.B.	11/16/09	60 tablets of morphine sulphate 30 mg	Medicaid
69	R.B.	11/16/09	60 tablets of morphine sulphate 60 mg	Medicaid
70	R.B.	1/11/10	180 tablets of morphine sulphate 30 mg	Medicaid
71	R.B.	2/15/10	60 tablets of morphine sulphate 60 mg	Medicaid
72	R.B.	3/22/10	60 tablets of morphine sulphate 60 mg	Medicaid
73	R.B.	4/8/10	120 tablets of morphine sulphate 60 mg	Medicaid
74	R.B.	6/7/10	90 tablets of morphine sulphate 60 mg	Medicaid

COUNT	PATIENT	DATE	CONTROLLED SUBSTANCE	HEALTH CARE PROGRAM
75	T.B.	12/14/09	360 tablets of oxycodone/APAP 10/325 mg	Medicare
76	T.B.	1/7/10	180 tablets of oxycodone/APAP 10/325 mg	Medicare
77	T.B.	3/4/10	180 tablets of oxycodone/APAP 10/325 mg	Medicare
78	T.B.	4/6/10	180 tablets of oxycodone/APAP 10/325 mg	Medicare
79	T.B.	5/27/10	180 tablets of oxycodone/APAP 10/325 mg	Medicare
80	T.B.	6/14/10	180 tablets of oxycodone 30 mg	Medicare
81	M.J.B.	10/13/09	270 tablets of methadone 10 mg	Medicare
82	M.J.B.	10/13/09	90 tablets of oxycodone/APAP 10/ 325 mg	Medicare
83	M.J.B.	11/11/09	540 tablets of methadone 10 mg	Medicare
84	M.J.B.	11/11/09	180 tablets of oxycodone/APAP 10/325 mg	Medicare
85	M.J.B.	1/5/10	549 tablets of methadone 10 mg	Medicare
86	M.J.B.	1/5/10	90 tablets of oxycodone/APAP 10/325 mg	Medicare
87	S.C.	6/2/09	60 tablets of oxycodone 80 mg	Medicaid
88	S.C.	6/2/09	180 tablets of oxycodone/APAP 7.5/325 mg	Medicaid
89	S.C.	6/19/09	120 tablets of oxycodone 80 mg	Medicaid
90	S.C.	6/19/09	360 tablets of oxycodone/APAP 7.5/325 mg	Medicaid
91	S.C.	8/11/09	180 tablets of oxycodone 80 mg	Medicaid
92	S.C.	8/11/09	540 tablets of oxycodone/APAP 10/ 325 mg	Medicaid
93	S.C.	11/9/09	60 tablets of oxycodone 80 mg	Medicaid
94	S.C.	11/9/09	180 tablets of oxycodone/APAP 10/325 mg	Medicaid
95	S.C.	12/28/09	180 tablets of oxycodone 80 mg	Medicaid
96	S.C.	12/28/09	270 tablets of oxycodone 30 mg	Medicaid
97	S.C.	3/25/10	180 tablets of oxycodone 80 mg	Medicaid
98	S.C.	3/25/10	270 tablets of oxycodone 30 mg	Medicaid
99	S.C.	6/24/10	180 tablets of oxycodone 80 mg	Medicaid
100	S.C.	6/24/10	270 tablets of oxycodone 30 mg	Medicaid
101	A.U.	6/24/09	180 tablets of oxycodone/APAP 10/ 325 mg	Medicaid
102	A.U.	6/24/09	30 tablets of amphetamine/dextroamphetamine 30 mg	Medicaid
103	A.U.	6/30/09	180 tablets of oxycodone 30 mg	Medicaid

COUNT	PATIENT	DATE	CONTROLLED SUBSTANCE	HEALTH CARE PROGRAM
104	A.U.	7/6/09	180 tablets of hydromorphone 4 mg	Medicaid
105	A.U.	9/10/09	540 tablets of oxycodone 30 mg	Medicaid
106	A.U.	9/10/09	90 tablets of amphetamine/ dextroamphetamine 30 mg	Medicaid
107	A.U.	12/8/09	720 tablets of oxycodone 30 mg	Medicaid and Medicare
108	A.U.	3/5/10	540 tablets of oxycodone 30 mg	Medicare
109	A.U.	3/5/10	540 tablets of oxycodone 15 mg	Medicare
110	A.U.	6/3/10	360 tablets of oxycodone 30 mg	Medicare
111	A.U.	6/3/10	360 tablets of oxycodone 15 mg	Medicare

In violation of 18 U.S.C. §§ 1347(a) and 2(b).

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY


Assistant United States Attorney

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